

## **REMARKS**

The following remarks are fully and completely responsive to the Office Action dated May 6, 2002. Claims 7-46 are pending in this application with claims 1-6 canceled by the present amendment and claims 7-46 added by the present amendment. In the outstanding Office Action, the title was objected to and claims 1-6 were rejected under 35 U.S.C. §103(a). No new matter has been entered. Claims 7-46 are presented for consideration.

### **Title**

The title was objected to. The Office Action alleges that the title was neither precise nor descriptive. Applicants have replaced the title with a new title that is precise and descriptive. Applicants, therefore, request reconsideration and withdrawal of this objection.

### **Drawings**

Drawing changes are requested to Figs. 7b and 7c to correct errors that appear to have occurred in the translation process. Applicants request approval of the proposed drawing changes.

### **35 U.S.C. § 103(a)**

Claims 1-6 were rejected under 35 U.S.C. § 103(a). The cancellation of these claims renders this rejection moot.

## **New Claims**

New claims 7-46 are added to further claim the present invention. These new claims include independent claims 7, 15, 23, 31 and 39. Each of the independent claims includes control information that includes application information indicating whether or not the audio stream contains audio data with different recording modes.

In contrast, Yogi and Mishina do not appear to disclose and/or suggest using application information indicating whether or not the audio data with different recording modes is mixed in one audio stream. In Yogi and Mishina, the audio data with different recording modes appears to be recorded as the other stream.

Therefore, it appears that the combination of Yogi and Mishina fails to disclose and/or suggest each and every element of the claimed invention. Specifically, these references appear to fail to disclose and/or suggest control information that includes application information indicating whether or not the audio stream contains audio data with different recording modes. Consequently, Applicants request consideration and allowance of new claims 7-46.

## **Conclusion**

Applicants' amendments and remarks have clearly overcome the rejections set forth in the Office Action dated May 6, 2002. Specifically, the new title overcomes the objection to the title. The cancellation of claims 1-6 renders moot the rejections under 35 U.S.C. § 103(a). New claims 7-46 recite subject matter neither disclosed nor suggested by the prior art. Consequently, claims 7-46 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 7-46.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone, if it is believed that such contact will expedite the prosecution of the application.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Deposit Account No. 01-2300, making reference to Attorney Docket No. 107156-09071.

Respectfully submitted,



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